

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. CR 18-3495 JCH

DOUGLAS D. SMITH,

Defendant.

**ORDER GRANTING CONTINUANCE OF TRIAL
AND PRETRIAL DEADLINES**

THIS MATTER is before the Court on Defendant's Unopposed Motion to Continue [40].

The Court having considered the motion, being fully advised in the premises and in light of *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the Defendant has by his motion, created a sufficient record to justify granting the motion to continue. See id. at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time).

IT IS THEREFORE ORDERED that Defendant's Unopposed Motion to Continue [40] is **GRANTED**.

IT IS FURTHER ORDERED that the Call of Calendar hearing of September 24, 2019 and the Jury Selection/Trial of October 21, 2019 are VACATED. Call of Calendar, Jury Selection/Trial and corresponding deadlines are reset as follows:

Event	Date/Deadline
Jury Selection/Jury Trial (trailing docket)	December 16, 2019
Calendar Call	Thursday, December 05, 2019 @ 1:30 p.m.
Motions in Limine	Monday, November 25, 2019
Response to Motions in Limine	Wednesday, December 04, 2019
Motions to Continue	Thursday, November 21, 2019

Before Judge Judith C. Herrera at the United States Courthouse, 333 Lomas Blvd., N.W., Mimbres Courtroom, 4th Floor in Albuquerque, New Mexico.

IT IS FURTHER ORDERED that the pretrial motion deadline is hereby extended until **Thursday, November 14, 2019**. The pretrial motion deadline applies to all motions, including Daubert Motions. Motions in Limine have a separate deadline.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

IT IS FINALLY ORDERED that counsel shall adhere to the Court's instructions and case management deadlines as set forth in the following attachment, "Pretrial Deadlines before The Honorable Judith C. Herrera."



UNITED STATES DISTRICT JUDGE